

**United States District Court**  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

SUSQUEHANNA RADIO LLC

v.

JACOB KEMP and DANIEL  
MCDOWELL

§  
§  
§  
§  
§  
§

CIVIL ACTION NO. 3:23-CV-1746-S

**ORDER**

This Order addresses Plaintiff's Emergency Application for Temporary Restraining Order and Request for Preliminary Injunction ("Application") [ECF No. 5]. Under Federal Rule of Civil Procedure 65(b)(1), the Court may issue an ex parte temporary restraining order only if:


(A) specific facts in an affidavit or verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition; and (B) the movant's attorney certifies in writing any efforts made to give notice and the reasons why it should not be required.

FED. R. CIV. P. 65(b)(1)(A)-(B).

After carefully reviewing the Application and relevant docket entries, the Court concludes that Plaintiff has failed to meet the requirements of Rule 65(b)(1)(B). Nothing filed by Plaintiff in this case makes any reference to serving notice of the Application on Defendants, much less "certifies . . . any efforts made to give notice and the reasons why it should not be required." FED. R. CIV. P. 65(b)(1)(B). Accordingly, the Court **DENIES** Plaintiff's Emergency Application for Temporary Restraining Order and Request for Preliminary Injunction.

**SO ORDERED.**

SIGNED August 9, 2023.

  
\_\_\_\_\_  
KAREN GREN SCHOLER  
UNITED STATES DISTRICT JUDGE